

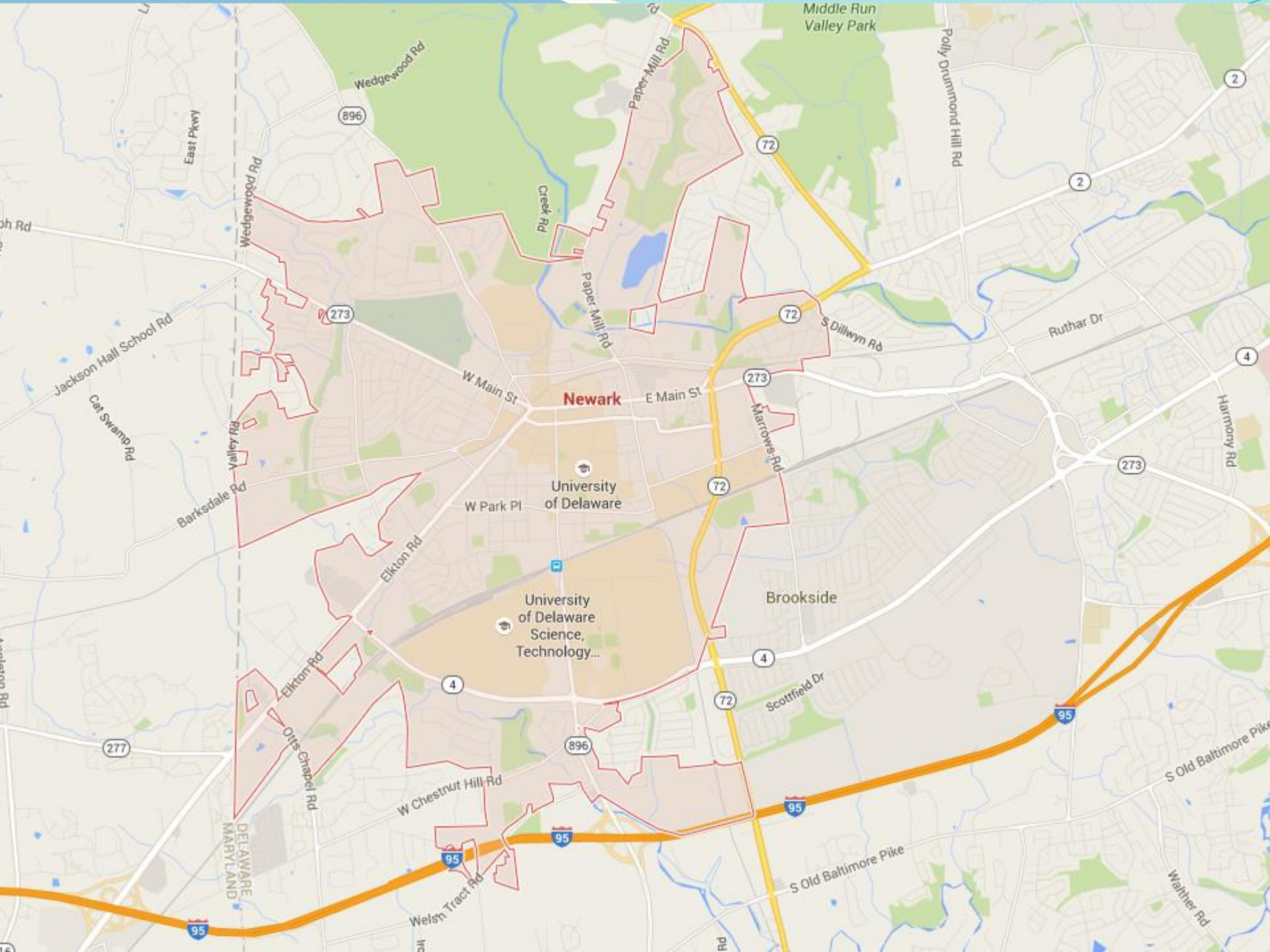
# Sidewalks

DelDOT's Ownership and Obligations

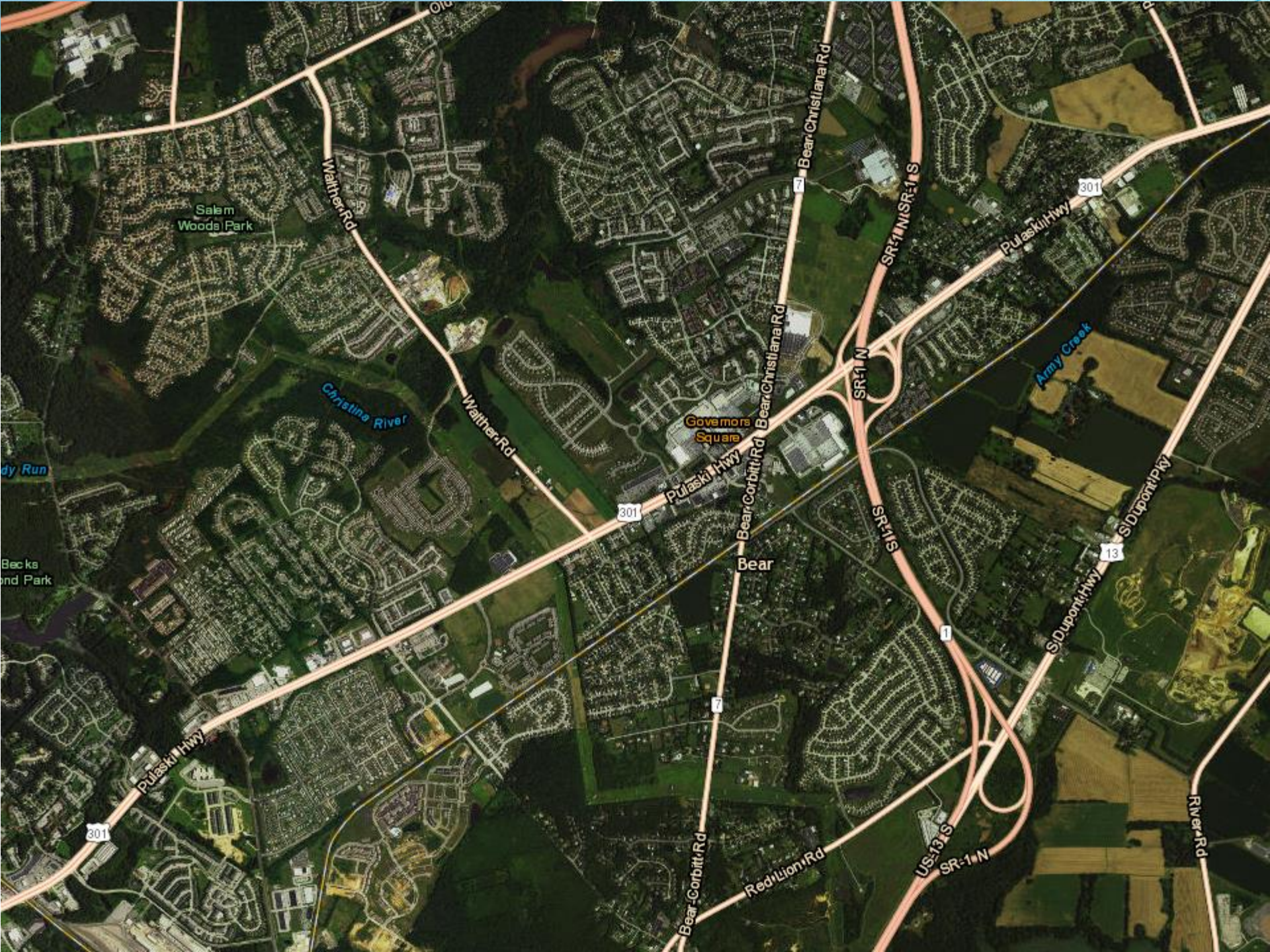
# Who owns the sidewalks?

It depends...

- Where is the sidewalk?
  - On a DelDOT maintained road?
  - In a municipality?
  - In a subdivision?
- Ownership and maintenance obligations are fragmented







Salem Woods Park

Waltham Rd

Christina River

Waltham Rd

Governors Square

301

Pulaski Hwy

Bear Corbett Rd

Bear

Bear Christiana Rd

SR-1 N

SR-1 N SR-1 S

Pulaski Hwy

301

Army Creek

SR-1 S

1

SR-1 S

13

DuPont Hwy

River Rd

US-13 S

SR-1 N

Red Lion Rd

Bear Corbett Rd

301

Pulaski Hwy

dy Run

Backs and Park







1004920146

1004920145

600

1004920166

1004920167

# Sidewalk Ownership

- DelDOT Maintenance Number Roads = DelDOT
- Roads through Municipalities maintained by the State via agreement = Not DelDOT (Municipality or Homeowner)
- Subdivisions in unincorporated areas = Not DelDOT. (Dedicated to Public Use  $\neq$  Ownership by the State)
- Leading to Schools = A mix of owners: DelDOT, School District, or “other lands or rights of way provided for such purpose”.

# Sidewalk Maintenance

- DelDOT Maintenance Roads = DelDOT
- Roads through Municipalities maintained by the State via agreement = Municipality (see Charter & Town Agreement)
- Subdivisions in unincorporated areas = Not DelDOT (HOA or Homeowners)
- Leading to Schools = Schools plow snow, otherwise DelDOT via 14 De.C. §2305(a).



# Permitting & Inspection

- DelDOT Maintenance Roads = DelDOT
- Roads through Municipalities maintained by the State via agreement = DelDOT (for safety)
- Subdivisions in unincorporated areas = DelDOT (for safety) via 17De.C. §146
- Leading to Schools = DelDOT

# Enforcement of ADA Standards

- DelDOT Maintenance Roads = DelDOT Obligated.
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated.
- Subdivisions in unincorporated areas = Unclear who is obligated, probably HOA or County.
- Leading to Schools = DelDOT & School District obligated, but we don't know the break point between the agencies.



# ADA Complaint Investigation

- DelDOT Maintenance Roads = DelDOT Obligated.
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated
- Subdivisions in unincorporated areas = DelDOT can, but will turn over to HOA.
- Leading to Schools = DelDOT & School District obligated, but we don't know the break point between the agencies.

# Sidewalk Expansion/Gap Filling

- DelDOT Maintenance Roads = DelDOT Obligated
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated
- Subdivisions in unincorporated areas = DelDOT can, but so can others.
- Leading to Schools = DelDOT & School District obligated, but we don't know the break point between the agencies.



# Spending Authority

- DelDOT Maintenance Roads = State and Federal \$ eligible
- Roads through Municipalities maintained by the State via agreement = State and Federal \$ eligible
- Subdivisions in unincorporated areas = CTF eligible. Possibly other \$ is eligible depending on circumstances.
- Leading to Schools = SRTS & CTF eligible. Possibly other \$ is eligible depending on circumstances.

# ADA Transition Plan Obligation

- DelDOT Maintenance Roads = DelDOT Obligated
- Roads through Municipalities maintained by the State via agreement = Municipality Obligated
- Subdivisions in unincorporated areas = HOA Obligated if one exists, otherwise we don't know who is obligated.
- Leading to Schools = DelDOT & School District obligated, but we don't know the break point between the agencies.



# Other Issues?

- Most likely there are
- There is much left to learn
- Legal actions may be needed to sort it out